

### **REMARKS/ARGUMENTS**

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claim 1 has been amended above to incorporate the limitations of dependent claim 3 and claim 3 has been cancelled. Also, claim 7 has been amended to incorporate the limitations of dependent claim 9 and claim 9 has been cancelled. It is respectfully submitted that no new issues have been raised by the amendments proposed above because the limitations of the dependent claims now incorporated into the independent claims were examined previously and rejected together with the independent claims, although for the reasons advanced below, it is believed that the rejection was made in error. Entry of the above presented amendment is requested.

Previously presented claims 1-12 were rejected under 35 USC 102(e) as being anticipated by Lamb. Applicant respectfully traverses this rejection.

Claims 1 and 7 have been amended above to incorporate, respectively, the limitations of claims 3 and 9. Thus, the independent claims now more specifically provide that the critical distance is dependent on the relative movement between the respective objects and, thus, the relative movement between the objects is used in controlling their movements.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation

is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

The cited reference to Lamb, insofar as can be determined, teaches a system that continually detects only the absolute position (location of the envelopes) of each object and stops both involved objects when an intersection between object envelopes is detected. (Column 5, lines 25-30) Further, in this regard, the passages bridging columns 5 and 6 of Lamb explain that an intersection of Zone 1 rectangles provides only a warning function whereas an intersection of Zone 2 and/or Zone 3 both result in disabling travel and slew of both machines. Thus, as explained in column 5, lines 42-61, Lamb simply repeatedly compares collision envelopes to detect and determine overlap of the envelopes, and responds to such overlap in the manner described in the paragraphs bridging columns 5 and 6. Accordingly, it is clear that no consideration whatsoever is given to the relative speed of the objects, only their absolute position. In contrast to the teachings of Lamb, because the critical allowed/minimum distance is dependent upon the relative movement between the respective objects, the present invention may have such an effect that it allows two objects to continue moving in the same direction, e.g., as long as the second object slows down relative to the first.


For all the reasons advanced above, reconsideration and withdrawal of the Examiner's rejection over Lamb is solicited.

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All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and a notice to that effect is solicited.

Respectfully submitted,

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